S.B.Cr.Misc. Temporary Bail App. No.1102/2007
In
S.B. Criminal Appeal No.620/2005

Date of order : 22.11.2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sanjay Mathur for the applicant/appellant.

Mr. Ashok Upadhyaya, Public Prosecutor.

By the instant application moved under Section 389 Cr.P.C., the applicant-appellant seeks temporary suspension of sentence on the ground that marriage of the applicant's daughter Miss Bhavna is going to be solemnized on 29.11.2007 at Mandsor (M.P.) and the applicant being her father is to attend the marriage for performing social rituals and ceremonies, therefore, sentence awarded to him be suspended temporarily.

I have heard learned counsel for the applicant and Public Prosecutor and carefully gone through the material available on record.

The appellant-applicant has been convicted and sentenced for the offence under Section 8/21 of the NDPS Act and sentenced to undergo imprisonment for 15 years with fine of Rs.1,50,000/-. He was found in possession of huge quantity of

contraband smack.

Keeping in view the serious allegation, it would not be proper to suspend the sentence of the applicant even temporarily. However, learned counsel for the applicant submits that if the sentence is not suspended temporarily, then, the applicant-appellant may be permitted to attend the marriage ceremony of his daughter in judicial custody.

During the course of arguments, it is submitted by learned counsel for the applicant that the applicant is ready to deposit the charges and expenses incurred by Challani Guards estimated by the Superintendent, Central Jail, Udaipur.

Having regard to the facts and circumstances of the case, in my view, it is not proper to suspend the sentence awarded to the appellant-applicant temporarily, however, applicant/appellant Shanti Lal s/o Shri Ram Lal may be permitted to attend the marriage of his daughter going to be solemnized on 29.11.2007 under the judicial custody for two days i.e. 29.11.2007 and 30.11.2007 subject to his depositing the charges for challani guards to the Superintendent, Central Jail, Udaipur. After completion of the aforesaid period of two days i.e. 29.11.2007 and 30.11.2007, the applicant/appellant be

again lodged to the Central Jail, Udaipur.

With these directions, the application stands disposed of.

(H.R.PANWAR), J.

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